

## **LEGISLATIVE FACT SHEET**

### **EXONERATION AND INNOCENCE ASSISTANCE**

**S.B.**

**Sponsor:**

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#### **WHY IS THIS LEGISLATION NEEDED?**

While extremely rare in Utah, sometimes people are convicted of crimes they did not commit. In recognition of that, Utah passed an expansive "DNA Actual Innocence Bill" in 2001. (UCA 78-35a-301-304.) The law provides access to DNA testing for convicted persons who assert their innocence and claim they can be exonerated through DNA evidence. While most exonerations across the country have been based on DNA evidence, DNA evidence is only available in fewer than 20% of all criminal cases, and Utah law presently has no mechanism by which innocent people can be exonerated for reasons other than DNA evidence.

In addition to the obstacles innocent prisoners face to become exonerated, they also encounter many obstacles after their release. They have lost years of their lives to prison, and many have also lost jobs, housing, and even family members. They struggle to find employment, afford housing and health care, renew social bonds, and rebuild emotional and financial security.

Twenty-one states have legislation assisting exonerees financially after their release from prison, and in 2004 President Bush approved legislation giving federal exonerees \$50,000 for every year spent in prison and an additional \$50,000 for each year spent on death row. However, there is presently no mechanism in place in Utah law to financially assist innocent individuals who have been convicted and sentenced to prison.

To address these issues, prosecutors from the Attorney General's Office worked closely with attorneys for the Rocky Mountain Innocence Center to produce a consensus bill that both sides support.

#### **WHAT DOES THIS LEGISLATION DO?**

Allows for innocent individuals to be exonerated when new evidence is discovered which establishes their factual innocence, whether or not it is DNA evidence.

Narrowly defines "factual innocence" to insure that only those who are completely innocent will be so declared.

Provides for financial assistance for those who have been judicially declared to be factually innocent through the Office of Crime Victim Reparations and CCJJ, in the amount of the average annual wage for a single wage earner in Utah, for each year of imprisonment, capped at 15 years, and provides for periodic payments.

Is not a system that fixes blame on the State, but instead it is one based on a recognition that people who have been imprisoned for crimes they did not commit are crime victims themselves, and need financial assistance to help them.

Provides that payments made constitute a full and conclusive resolution of petitioner's claims on the specific issue of factual innocence.

## **WHO SUPPORTS THIS LEGISLATION?**

- \* Statewide Assoc. of Prosecutors
- \* Attorney General's Office
- \* Rocky Mountain Innocence Center
- \* Commission on Criminal and Juvenile Justice
- \* Law Enforcement Legislative Committee
- \* Utah State Bar

[Supported 2007 bill - expect their support again]